

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1239 of 2019

- Abhish Swami S/o Krishnanand Swami, Aged About 46 Years, R/o B-F-1, Archana Vihar, Nehru Nagar Road, Bilaspur, Chhattisgarh. Permanent R/o Awas Yojana Colony, Camp & Police Station- Umaria, District- Umaria, Madhya Pradesh., District : Umaria, Madhya Pradesh

---- Applicant

Versus

- Enforcement Directorate Government of India, Through Assistant Director, Enforcement Directorate, Raipur, Sub Zonal Office, A-1 Block Pujari Complex, New Dhamtari Road, Pachpedi Naka, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

----Non-applicant

For Applicant – Shri Shashank Thakur, Advocate.

For Non-applicant – Dr. Saurabh Kumar Pandey, Special Public Prosecutor.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

01-07-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested in connection with PMLA Complaint Case No.01/2018 on 20-08-2018 on production warrant, for the offence punishable under Section 3 & 4 of Prevention of Money Laundering Act, 2002.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 20-08-2018. No case is made out against him. He has been implicated in this case only because he has friendship with the main accused Alok Agrawal. Similarly placed co-accused Pawan Kumar Agrawal has been granted regular bail by the coordinate Bench of this Court in MCRC No.1242 of 2019 by order dated 11-03-2019. Therefore, it is prayed that this applicant may be granted regular bail.
3. Learned counsel for the non-applicant/E.D. opposes the application and submits that the allegation against this applicant is with respect to the money laundering of about Rs.2,26,86,276/- which he had done to assist the main

accused for siphoning of the income made by him, by corrupt practices. Therefore, he is not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.

5. The prosecution case is this, that, the main accused in this case Alok Agrawal was working as Executive Engineer, Water Resources Department, Bilaspur. It is alleged that while officiating in the public post co-accused accumulated disproportionate property to the tune of Rs.20,28,25,000/- by corrupt practices. During investigation it has been revealed that this applicant being friend of the accused has helped in siphoning and laundering of illegally procured income. Hence, this case.

6. After considering on the entire material present in the case diary and for the reason that the case is now before the trial Court and the trial is going on, further, looking to the fact there is another reason which gives weight to the prayer of the applicant is this, that similarly placed co-accused Pawan Kumar Agrawal has been granted regular bail, I feel inclined to allow this application.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge